

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Joy Almeyda	Team: Squad #1	CCRB Case #: 201809100	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/23/2018 9:30 AM	Location of Incident: Intersection of New Haven Avenue and Beach 20th Street	Precinct: 101	18 Mo. SOL 4/23/2020	EO SOL 12/8/2020	
Date/Time CV Reported Wed, 10/24/2018 5:35 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/01/2018 11:01 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Solomon Jacobs	09290	960716	101 PCT
2. POM Michael Angelone	21088	958256	101 PCT
3. SGT Mayra Daly	3219	944305	101 PCT
4. POM Kevin Campbell	24299	923614	101 PCT
5. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christophe Gargano	16565	933650	101 PCT
2. POM Dominic Alongi	19495	951497	101 PCT
3. POM Michael Stark	29022	961326	101 PCT
4. POM Frank Crowley	06494	941597	101 PCT
5. LT Carlos Serrano	00000	946236	101 PCT
6. POM Michael Kenjesky	26036	964085	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b)	
B. POM Solomon Jacobs	Force: Police Officer Solomon Jacobs used physical force against § 87(2)(b)	
C. POM Michael Angelone	Force: Police Officer Michael Angelone used physical force against § 87(2)(b)	
D. SGT Mayra Daly	Abuse: Sergeant Mayra Daly forcibly removed § 87(2)(b) to the hospital.	
E. POM Kevin Campbell	Force: Police Officer Kevin Campbell used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F.POM Solomon Jacobs	Abuse: Police Officer Solomon Jacobs refused to provide his name to § 87(2)(b)	
G.POM Solomon Jacobs	Abuse: Police Officer Solomon Jacobs refused to provide his shield number to § 87(2)(b)	
H.POM Michael Angelone	Abuse: Police Officer Michael Angelone refused to provide his name to § 87(2)(b)	
I.POM Michael Angelone	Abuse: Police Officer Michael Angelone refused to provide his shield number to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On October 24, 2018, § 87(2)(b) filed this complaint with the Internal Affairs Bureau. It was referred to the CCRB, where it was received on November 1, 2018.

On October 23, 2018, at approximately 9:30 a.m., § 87(2)(b) went to § 87(2)(b) located at the intersection of New Haven Avenue and Beach 20th Street in Far Rockaway, with her two sons, § 87(2)(b) age § 87(2)(b) and § 87(2)(b) age § 87(2)(b). While § 87(2)(b) was in the deli, § 87(2)(b) and a group of teenage African-American males went into the store next door to § 87(2)(b) and one of the teenagers allegedly hit an adult Hispanic male in the face. The Hispanic male ran after the group of teenagers with a box cutter. Several officers from the 101st Precinct responded. PO Dominic Alongi and PO Christopher Gargano allegedly threw § 87(2)(b) to the ground while handcuffing him and kneed him (**Allegation A, Force:** § 87(2)(g)). PO Solomon Jacobs and PO Michael Angelone allegedly pushed § 87(2)(b) onto the ground and against the wall of the deli before handcuffing her and, at the direction of Sgt. Daly, removing her to the hospital (**Allegations B and C: Force:** § 87(2)(g)) (**Allegation D: Abuse of Authority:** § 87(2)(g)). PO Kevin Campbell allegedly hit § 87(2)(b) across the face (**Allegation E: Force:** § 87(2)(g)). PO Jacobs and PO Angelone allegedly refused to provide their names and shield numbers to § 87(2)(b) (**Allegations F, G, H, and I: Abuse of Authority:** § 87(2)(g)). PO Jacobs and PO Angelone escorted § 87(2)(b) to § 87(2)(b), where she received a psychiatric evaluation. § 87(4-b), § 87(2)(g).
§ 87(2)(b)
§ 87(2)(b) Officers transported § 87(2)(b) and an unidentified teen to school. There were no arrests or summonses.

Surveillance video was obtained from § 87(2)(b) (Board Reviews 01-12, 15, 27, and 39).

Findings and Recommendations

Allegation A: Force: Officers used physical force against § 87(2)(b)

§ 87(2)(b) testified that while she was at the § 87(2)(b) she observed a group of people running outside. § 87(2)(b) went outside to see what happened, and saw a Hispanic male chasing a black male with a box cutter, and was swinging this box cutter near § 87(2)(b) and § 87(2)(b). § 87(2)(b) intervened and the Hispanic male retracted the blade and walked away. Two police officers, who were parked nearby, exited their vehicle. Without saying anything, they grabbed § 87(2)(b) by his jacket, lifted him, threw him to the sidewalk, and handcuffed him. One officer also kneed § 87(2)(b). § 87(2)(b) complained that he was bleeding. After the incident, § 87(2)(b) took § 87(2)(b) to a doctor to treat his injuries. She did not sign a HIPAA release for § 87(2)(b)'s medical records (Board Review 13-14).

§ 87(2)(b) was unable to bring § 87(2)(b) and § 87(2)(b) to her field interview and did not cooperate with subsequent scheduling attempts. Thus, neither provided a statement to the investigation.

Surveillance footage from the exterior of § 87(2)(b) captured the incident from 9:24:00 to 9:37:18 (Board Review 3). This footage does not have audio. In the footage, there appears to be

multiple disputes between approximately four to six black male youths and two adult Hispanic males. The first dispute appears verbal and occurs outside of a 99 cents store between a teenaged black male with braids and an older Hispanic male. Three black male youths, including § 87(2)(b) (holding a red jacket), § 87(2)(b) (in a grey hoodie), and one wearing a black and orange sweatshirt, exit the deli and run toward the above dispute. § 87(2)(b) (black female wearing pinks pants and a white jacket) follows close behind and yells at the Hispanic male and pushes the teen with braids into the 99 cents store while the other youths follow. Shortly thereafter the youths all run out of the store (09:28:20) and a second Hispanic adult male chases the male with braids with a box cutter (09:28:47). § 87(2)(b) separates the male with the box cutter from the youths (09:28:58), and the youth with the black and orange sweatshirt puts his fists up at the male and then grabs a scooter from the deli. § 87(2)(b) holds up a plastic shopping basket. Deli employees exit the store and several passersby stop and watch. A civilian waves down a passing marked vehicle containing Community Affairs Officer Campbell (09:30:05). Four to five additional marked NYPD vehicles arrive. § 87(2)(b) appears to yell at several officers but officers do not stop her or the males from walking up and down the block or between the stores several times. § 87(2)(b) pushes § 87(2)(b) and § 87(2)(b) up the block and away from the stores before stopping to yell at officers again. § 87(2)(b) doubles back and walks to the deli and then re-approaches the group of officers.

At 09:33:55, as § 87(2)(b) approaches the group of officers, and with his back to the camera, he lifts his arms up as if he is speaking to them. PO Campbell gestures toward § 87(2)(b) and PO Alongi grabs § 87(2)(b)'s left shoulder and § 87(2)(b) immediately tries to shake him off. PO Gargano grabs § 87(2)(b)'s arm and the officers walk him back to PO Campbell's police vehicle, a couple of feet away. PO Campbell walks away and Sgt. Daly, PO Gargano, PO Alongi, PO Stark, and PO Crowley walk § 87(2)(b) behind the police vehicle and out of view. Specific actions are difficult to make out as § 87(2)(b) is behind the vehicle and the officers are between § 87(2)(b) and the camera. The officers remain standing. § 87(2)(b) is never observed on the ground, though is not in view while behind PO Campbell's car (Board Review 15).

Neither § 87(2)(b) the owner of § 87(2)(b) nor § 87(2)(b) the owner of the § 87(2)(b) (next door to § 87(2)(b)) observed officers push § 87(2)(b) to the ground (Board Reviews 16, 17, and 18).

PO Alongi testified that after the officers told the juveniles to move away from the front of the deli, § 87(2)(b) pushed one of the officers. A few officers pulled § 87(2)(b)'s arms behind his back and handcuffed him. § 87(2)(b) was not compliant, but PO Alongi could not specify what § 87(2)(b) did. PO Alongi could not recall which officers handcuffed § 87(2)(b) or if he was involved. § 87(2)(b) was not thrown to the ground or on the ground at any point. Neither PO Alongi nor any other officer kicked or kneed § 87(2)(b) (Board Review 21).

PO Gargano stated that the juveniles and § 87(2)(b) were cursing at the officers and § 87(2)(b) was aggressive and refused officers' instructions to calm down. After viewing surveillance footage from § 87(2)(b) during his interview, PO Gargano described his action with regard to § 87(2)(b) as stopping him from charging at the officers. He denied that either he or other officers kneed or pushed § 87(2)(b) to the ground at any point (Board Review 20).

Sgt. Daly testified that she arrived with PO Gargano after other officers were already present, and observed a female and three juveniles shouting and yelling profanities. Sgt. Daly spoke with PO Campbell, who told her that he was flagged down by a civilian and observed § 87(2)(b) and the three juveniles acting out inside of the store. § 87(2)(b) was waving his arms, walking in and out of the store, and yelling profanities at the officers and civilians, saying, “fuck off,” “suck my dick,” “fuck you guys,” “I’m going to fuck everyone up,” and told the officers that he would “beat [their] ass.” Seven other police officers arrived shortly after Sgt. Daly arrived, including PO Alongi, PO Stark, PO Jacobs, and PO Angelone. Sgt. Daly told the officers to handcuff § 87(2)(b) for officer safety, as well as the safety of § 87(2)(b) and other civilians. Sgt. Daly could not remember which officers, or how many officers, handcuffed § 87(2)(b) but she assisted with handcuffing him. Sgt. Daly and the officers grabbed § 87(2)(b)’s arms and pulled them behind his back. § 87(2)(b) tightened his arms so that the officers could not handcuff him. Sgt. Daly did not push § 87(2)(b) onto the ground and § 87(2)(b) was never on the ground. Sgt. Daly did not kick or knee § 87(2)(b) and did not see any officer kick or knee § 87(2)(b). § 87(2)(b) did not complain of any injury (Board Review 19).

PO Jacobs and PO Angelone were some of the last responding officers and were not involved with handcuffing § 87(2)(b). Neither observed officers handcuff, knee or take any male to the ground (Board Review 22) (Board Review 23).

§ 87(2)(g)

Allegation B: Force: Police Officer Solomon Jacobs used physical force against § 87(2)(b)
Allegation C: Force: Police Officer Michael Angelone used physical force against § 87(2)(b)
Allegation D: Abuse of Authority: Sergeant Mayra Daly forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) testified that, after § 87(2)(b) was handcuffed, she went back into the deli. PO Angelone entered the deli behind her, twisted her left arm, and threw her onto the ground. § 87(2)(b)’s face contacted the ground. PO Jacobs entered the deli, and PO Angelone and PO Jacobs grabbed § 87(2)(b) and threw her against the deli wall. The left side of § 87(2)(b)’s face made contact with the wall. § 87(2)(b) had stitches in her mouth that opened and were bleeding as a result of her face striking the wall. PO Jacobs and PO Angelone handcuffed § 87(2)(b), lifted her off the ground, carried her out of the deli, and threw her into a police car. They called EMS, and an ambulance transported § 87(2)(b) to § 87(2)(b). § 87(2)(b) was released within a few minutes and did not receive treatment. § 87(2)(b) subsequently went to § 87(2)(b) and had the stitches redone (Board Reviews 13-14).

Surveillance footage of the interior (Board Reviews 10 and 27) and exterior (Board Review 15 and 39) of § 87(2)(b) captured the incident. After § 87(2)(b) is handcuffed, § 87(2)(b) walks into the street at 9:35:00, near the police vehicle that § 87(2)(b) is next to. § 87(2)(b) follows § 87(2)(b) into the street and appears to yell at officers while they place § 87(2)(b) into the police vehicle. At 9:35:20, § 87(2)(b) enters the deli. A civilian motions to the officers and points into the deli after § 87(2)(b) enters. PO Jacobs, PO Angelone, Sgt. Daly, PO Gargano, and PO Campbell enter the

deli after § 87(2)(b). In the interior footage, § 87(2)(b) appears to yell at the employees behind the counter, at the Hispanic male who previously had the box cutter, and at the officers when they enter. PO Jacobs and PO Angelone handcuff § 87(2)(b) inside of the deli. She appears physically compliant. § 87(2)(b) is not placed on the ground or against a wall. § 87(2)(b) walks with the officers out of the deli. She is not carried.

§ 87(2)(b)'s Pre-Hospital Care Report states that she acknowledged having a psychiatric history but was not taking her medication. She denied any illness or injury. § 87(2)(b)'s medical records from § 87(2)(b) note that § 87(2)(b) was diagnosed with unspecified schizoaffective disorder and bipolar disorder, a history of depression and acute psychiatric issues. § 87(2)(b) had not taken her medication since § 87(2)(b) (Board Review 25).

§ 87(2)(b) stated that § 87(2)(b) re-entered the deli, cursed at and told § 87(2)(b) a § 87(2)(b)-old Hispanic male in a grey jacket that § 87(2)(b)'s sons had earlier tried to beat up, that she was going to fight him because he was the reason that § 87(2)(b) was in trouble with the police. § 87(2)(b) described her as angry and "going crazy." While § 87(2)(b) and § 87(2)(b) were speaking, police officers entered the deli, and handcuffed § 87(2)(b) (Board Reviews 16-17). § 87(2)(b) also described § 87(2)(b) as "going crazy" while speaking to officers after § 87(2)(b) was handcuffed (Board Review 18).

Sgt. Daly called an ambulance so that § 87(2)(b) could be evaluated. § 87(2)(b) seemed "unstable" and "unhinged," and became angry when § 87(2)(b) was handcuffed. Sgt. Daly believed that § 87(2)(b) may have been using drugs because her speech was slurred and her eyes were bulging (Board Review 19).

When PO Jacobs arrived, § 87(2)(b) was inside of the store, yelling, and acting uncooperatively and belligerently. PO Jacobs could not remember what § 87(2)(b) was saying or who she was speaking to. Sgt. Daly told him to handcuff § 87(2)(b) so she could go to the hospital for a psychiatric evaluation (Board Review 22).

PO Angelone testified that when he and PO Jacobs arrived, § 87(2)(b) was screaming and cursing at civilians and police officers. § 87(2)(b) was uncooperative when officers asked her what happened. She was pacing in the street and on the sidewalk while screaming at the officers. PO Angelone stated that § 87(2)(b) did not seem to be "all mentally there" and thought that § 87(2)(b) presented a threat to anybody who was on the street while she was standing in the street. Sgt. Daly told PO Angelone to designate § 87(2)(b) as an emotionally-disturbed person and to remove her to the hospital for a psychiatric evaluation (Board Review 23).

PO Alongi, PO Gargano, and PO Campbell all testified that § 87(2)(b) was yelling at officers. PO Alongi stated that she was using "violent language" toward officers and threatening the staff inside of the deli, though did not specify further. PO Gargano described her as "irate" and "unmanageable" (Board Reviews 20-22).

§ 87(2)(g)

Patrol Guide Procedure 221-13 states that officers must take persons who appear to be mentally ill or emotionally disturbed into protective custody if that person is conducting himself in a manner likely to result in a serious injury to himself or others (Board Review 28).

§ 87(2)(g)

§ 87(2)(g)

Allegation E: Force: Police Officer Kevin Campbell used physical force against § 87(2)(b)

§ 87(2)(b) testified during her verified statement that while officers carried her to a police vehicle, PO Campbell exited his vehicle, approached § 87(2)(b) – who was handcuffed - and hit him in the face (Board Reviews 13-14). § 87(2)(b) did not make this allegation during either her initial complaint to IAB or during her initial phone call to the CCRB (Board Reviews 37-38).

Surveillance footage of the exterior of § 87(2)(b) shows PO Campbell exiting the deli behind § 87(2)(b) not from a vehicle, and that § 87(2)(b) is never carried. Additionally, from the time that § 87(2)(b) is escorted out of the deli in handcuffs to the time she enters a patrol vehicle (09:36:28-09:39:00), PO Campbell, who is visible in an NYPD Community Affairs jacket during that entire portion, has no contact with any juvenile. He does not strike § 87(2)(b) or anyone else (Board Reviews 39 and 04).

§ 87(2)(g)

Allegation F: Abuse of Authority: Police Officer Solomon Jacobs refused to provide his name to § 87(2)(b)

Allegation G: Abuse of Authority: Police Officer Solomon Jacobs refused to provide his shield number to § 87(2)(b)

Allegation H: Abuse of Authority: Police Officer Michael Angelone refused to provide his name to § 87(2)(b)

Allegation I: Abuse of Authority: Police Officer Michael Angelone refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that after PO Jacobs and PO Angelone threw her into a police vehicle, she asked them for their names and shield numbers, but both officers laughed, said “Shut up,” and did not provide them (Board Reviews 13 and 14).

PO Jacobs testified that § 87(2)(b) did not ask for, and PO Angelone could not recall if she asked, either of them to provide their names or shield numbers (Board Reviews 22-23).

Sgt. Daly, PO Gargano, and PO Alongi did not hear § 87(2)(b) ask any officers for their names or shield numbers or hear any officer refuse (Board Reviews 19-21).

Patrol Guide Procedure 203-09 states that officers must clearly state their rank, name, shield number, and command, or otherwise provide them, to anyone who requests this information (Board Review 30).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
[REDACTED]
- Police Officer Solomon Jacobs has been a member-of-service for three years and has been a subject in one CCRB complaint and two allegations, neither of which were substantiated. [REDACTED]
§ 87(2)(g) [REDACTED]
- Police Officer Michael Angelone has been a member-of-service for four years and has been a subject in two CCRB complaints and two allegations, neither of which were substantiated.
§ 87(2)(g) [REDACTED]
[REDACTED]
- Sergeant Mayra Daly has been a member-of-service for 12 years and has been a subject in two CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]
- Police Officer Kevin Campbell has been a member-of-service for 20 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g) [REDACTED]
[REDACTED] (g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 12, 2019, the Office of the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 34).
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] does not have any history of convictions in New York City (Board Review 35).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____

Signature

Print Title & Name

Date